

# EXHIBIT 27

1                   JEFFREY GLYNN BUSBY  
2                   IN THE UNITED STATES DISTRICT COURT  
3                   FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
4                   OXFORD DIVISION  
5

6 JOHN RASH,

7                   Plaintiff,

8                   v.

9                   CIVIL ACTION NO.:  
10                   3:20-cv-224-NBB-RP

11                   LAFAYETTE COUNTY,  
12                   MISSISSIPPI,

13                   Defendant.

14  
15                   VIDEOTAPED REMOTE DEPOSITION OF

16                   JEFFREY GLYNN BUSBY

17                   Thursday, December 3, 2020

18                   9:09 a.m. Central Standard Time

19  
20  
21  
22  
23                   Reported by:

24                   GRETA H. DUCKETT, CCR, RPR, CRR, CVR-S, RVR-M-S

25                   JOB NO. 187135

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1	JEFFREY GLYNN BUSBY	1 JEFFREY GLYNN BUSBY
2		2 A P P E A R A N C E S
3		3
4		4 FOR THE PLAINTIFF:
5	December 3, 2020	5
6	9:09 a.m. Central Standard Time	6 BY: Joshua Tom, Esq.
7		7 ACLU OF MISSISSIPPI
8	Videotaped remote deposition of	8 P.O. Box 2242
9	JEFFREY GLYNN BUSBY, before Greta H. Duckett,	9 Jackson, Mississippi 39225
10	CCR, RPR, CRR, CVR-S, RVR-M-S.	10
11		11
12		12
13		13 C. Jackson Williams, Esq.
14		14 P.O. Box 69
15		15 Taylor, Mississippi 38673
16		16
17		17
18		18
19		19
20		20
21		21
22		22
23		23
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1	JEFFREY GLYNN BUSBY	1 JEFFREY GLYNN BUSBY
2	A P P E A R A N C E S	2 I N D E X
3	C O N T I N U E D	3 EXAMINATION INDEX
4		4
5	FOR THE DEFENDANT:	5 JEFFREY GLYNN BUSBY
6		6 BY MR. TOM 9
7	By: David O'Donnell, Esq.	7
8	CLAYTON O'DONNELL	8
9	1403 Van Buren Avenue	9
10	Oxford, Mississippi 38655	10
11		11
12		12
13		13
14	ALSO PRESENT:	14
15		15
16	Kevin Marth, videographer	16
17		17
18		18
19		19
20		20
21		21
22		22
23		23
24		24

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1	JEFFREY GLYNN BUSBY		1	JEFFREY GLYNN BUSBY
2	EXHIBIT INDEX		2	THE VIDEOGRAPHER: Good
3			3	morning, Counselors. My name is
4	EXHIBIT 1 4/20/2015 Facility Use	32	4	Kevin Marth, and I'm the legal
	Policy; Bates Lafayette		5	videographer today, in association
5	County DOC0000002 to		6	with TSG Reporting, Inc. Due to
	Lafayette County DOC0000005		7	the severity of the COVID-19 virus
6			8	and following the practice of
7	EXHIBIT 2 3/4/2019 Facility Use	41	9	social distancing, I will not be in
	Policy; Bates Lafayette		10	the same room with the witness.
8	County DOC0000006 to		11	Instead, I will record the
	Lafayette County DOC0000010		12	deposition remotely. Additionally,
9	EXHIBIT 3 2/26/2019 email to	41	13	our court reporter today will also
	Supervisor, O'Donnell, and		14	not be in the same room and will
10	Hill, from Carwyle		15	swear the witness remotely.
11	EXHIBIT 4 Order: Amend Facility Use	56	16	Do all parties stipulate to
	Policy Regarding Use of		17	the validity of this video
12	Courthouse Grounds		18	recording and the remote swearing
13	EXHIBIT 5 Order: Approve Revision of	62	19	and that it will be admissible in
	Facilities Use Policy to		20	the courtroom as if it had been
14	include a requirement of		21	taken following Rule 30 of the
15	application to be made 14		22	Federal Rules of Civil Procedure
16	days prior to date of		23	and the state's rules where the
17	proposed use and requiring		24	case is pending?
18	closure of courthouse		25	MR. TOM: This is Josh Tom
19	grounds 30 minutes before			
20	dusk			
21	EXHIBIT 6 9/1/2017 email to Frye from	71		
22	Lafayette County Board of			
23	Supervisors			
24				
		Page 8		Page 9
1	JEFFREY GLYNN BUSBY		1	JEFFREY GLYNN BUSBY
2	for the plaintiff. Yes.		2	the record.
3	MR. O'DONNELL: David		3	MR. TOM: Josh Tom, with the
4	O'Donnell. Yes.		4	ACLU of Mississippi, on behalf of
5	THE VIDEOGRAPHER: This marks		5	plaintiff, John Rash.
6	the start of media number 1 of the		6	MR. WILLIAMS: Jack Williams,
7	remote video-recorded deposition of		7	sole practitioner, on behalf of the
8	Jeff Busby in the matter of John		8	plaintiff, John Rash.
9	Rash versus Lafayette County,		9	MR. O'DONNELL: David
10	Mississippi, in the United States		10	O'Donnell for the defendant,
11	District Court for the Northern		11	Lafayette County, Mississippi.
12	District of Mississippi, Oxford		12	THE VIDEOGRAPHER: At this
13	Division.		13	time, would the court reporter
14	The remote deposition today		14	please swear in the witness, and we
15	is being held on December 3rd,		15	may proceed.
16	2020, and the time on the video		16	JEFFREY GLYNN BUSBY,
17	monitor is 9:09 a.m. My name is		17	the witness, having first been duly
18	Kevin Marth. I'm the legal		18	sworn to speak the truth, the whole truth and
19	videographer today, in association		19	nothing but the truth, testified as follows:
20	with TSG Reporting, Inc. Our court		20	EXAMINATION
21	reporter today is Ms. Greta		21	BY MR. TOM:
22	Duckett, also in association with		22	Q. Good morning, Mr. Busby. My name
23	TSG.		23	is Josh Tom, and I'm here on behalf of
24	At this time, would counsel		24	plaintiff, John Rash. As the court reporter
25	please state your appearances for		25	and the videographer mentioned, this case is



<p style="text-align: right;">Page 14</p> <p>1                    JEFFREY GLYNN BUSBY</p> <p>2                    Do you understand that?</p> <p>3                    A.     I do.</p> <p>4                    Q.     If you don't understand a question,</p> <p>5 let me know, and I'll try to rephrase it. If</p> <p>6 you need a break, tell me or your counsel, but</p> <p>7 please do not ask for a break or confer with</p> <p>8 your counsel while there is a question pending.</p> <p>9                    Do you understand?</p> <p>10                  A.     I do.</p> <p>11                  Q.     Let's not try to talk over each</p> <p>12 other, because it makes it difficult for the</p> <p>13 court reporter to take that information down.</p> <p>14 Please let me finish the question, and I'll let</p> <p>15 you finish your answer before I start asking</p> <p>16 another question.</p> <p>17                  A.     Okay.</p> <p>18                  Q.     Are you taking any medication or</p> <p>19 drugs that would impair memory or your ability</p> <p>20 to understand my questions?</p> <p>21                  A.     No.</p> <p>22                  Q.     Is there any other reason you can't</p> <p>23 give full, complete, and truthful answers</p> <p>24 today?</p> <p>25                  A.     None.</p>	<p style="text-align: right;">Page 15</p> <p>1                    JEFFREY GLYNN BUSBY</p> <p>2                    Q.     Do you have any questions about the</p> <p>3 procedures that we will follow today?</p> <p>4                    A.     I do not.</p> <p>5                    Q.     Are you familiar with this lawsuit</p> <p>6 titled, Rash versus Lafayette County,</p> <p>7 Mississippi?</p> <p>8                    A.     I know of it. I do not -- no, sir,</p> <p>9 I don't know a lot about the case.</p> <p>10                  Q.     And how do you know of the lawsuit?</p> <p>11                  A.     Well, when I -- when I was told</p> <p>12 that I would be having this deposition.</p> <p>13 Mr. O'Donnell contacted me.</p> <p>14                  Q.     I see. Have you read any documents</p> <p>15 related to this lawsuit?</p> <p>16                  A.     I have read the facility use policy</p> <p>17 in '15 and in '19.</p> <p>18                  Q.     Have you read any other documents?</p> <p>19                  A.     I was presented -- I was given the</p> <p>20 arena policy this morning, but I have not read</p> <p>21 over it. No, sir.</p> <p>22                  Q.     Have you read any other documents</p> <p>23 besides those mentioned?</p> <p>24                  A.     No, sir.</p> <p>25                  Q.     Have you read any news coverage</p>
<p style="text-align: right;">Page 16</p> <p>1                    JEFFREY GLYNN BUSBY</p> <p>2 concerning this lawsuit?</p> <p>3                    A.     No, sir.</p> <p>4                    Q.     What did you do to prepare for this</p> <p>5 deposition?</p> <p>6                    A.     Mr. O'Donnell came to my office</p> <p>7 yesterday for about, I would say, 30 to 45</p> <p>8 minutes and presented me with the facility use</p> <p>9 policy from '15 and the facility use policy</p> <p>10 from '19. And I basically -- we read over</p> <p>11 that -- policies and discussed those. And then</p> <p>12 this morning, he -- or I'm not sure if it was</p> <p>13 this morning or yesterday, he told me that</p> <p>14 he -- that you had requested me read over the</p> <p>15 arena facility policy, which he brought with</p> <p>16 him this morning when he came to my office.</p> <p>17                  Q.     Now, besides Mr. O'Donnell, was</p> <p>18 anyone else present at those meetings?</p> <p>19                  A.     No, sir.</p> <p>20                  Q.     Prior to the meetings you just</p> <p>21 mentioned, had you done anything else to</p> <p>22 prepare for this deposition?</p> <p>23                  A.     No, sir.</p> <p>24                  Q.     And besides the documents you</p> <p>25 mentioned, did you review any other documents</p>	<p style="text-align: right;">Page 17</p> <p>1                    JEFFREY GLYNN BUSBY</p> <p>2 to prepare for this deposition?</p> <p>3                    A.     No, sir.</p> <p>4                    Q.     Have you discussed anything related</p> <p>5 to today's deposition with anyone else besides</p> <p>6 Attorney O'Donnell?</p> <p>7                    A.     No, sir.</p> <p>8                    Q.     Did you do anything else to prepare</p> <p>9 for today?</p> <p>10                  A.     No, sir.</p> <p>11                  Q.     What is your current position?</p> <p>12                  A.     I'm the circuit clerk of Lafayette</p> <p>13 County.</p> <p>14                  Q.     And what's the month and year that</p> <p>15 you began that position?</p> <p>16                  A.     January of this year, 2020.</p> <p>17                  Q.     Do you have any other employment in</p> <p>18 addition to being the circuit clerk of</p> <p>19 Lafayette County?</p> <p>20                  A.     I'm sorry. I didn't under- -- I</p> <p>21 couldn't hear you.</p> <p>22                  Q.     Do you have any other employment</p> <p>23 besides -- do you have any other employment in</p> <p>24 addition to being circuit clerk?</p> <p>25                  A.     I have a retail sporting goods</p>

1	JEFFREY GLYNN BUSBY	Page 18	1	JEFFREY GLYNN BUSBY	Page 19
2	business that I've been in for 35 years.		2	for Lafayette County?	
3	Q. And besides your sporting goods		3	A. Eight years.	
4	business, are there any other employment -- do		4	Q. So while supervisor for Lafayette	
5	you have any other employment besides that?		5	County, you also ran your sporting goods	
6	A. Rental property, if you call that		6	business; is that correct?	
7	a -- I mean, I'm not sure if that's -- we do		7	A. That's correct.	
8	have rental property that we rent.		8	Q. While a supervisor, did you have	
9	Q. Okay. Any other employers?		9	any other employment?	
10	A. No, sir.		10	A. No, sir, besides sporting goods.	
11	Q. Now, did you graduate from college?		11	Now, I had University Sporting Goods. That's	
12	A. I have, like, six hours left.		12	where I worked full-time, and then I did my	
13	Q. Okay. And where did you go --		13	supervisor's job from there.	
14	A. The University of Mississippi.		14	Q. Understood. Are you a lifelong	
15	Q. And did you graduate from high		15	resident of Lafayette County?	
16	school?		16	A. I am.	
17	A. Yes.		17	Q. Have you ever lived outside of	
18	Q. Where did you graduate from high		18	Lafayette County?	
19	school?		19	A. No, sir.	
20	A. Oxford High School.		20	Q. Do you live in Oxford?	
21	Q. Where did you work prior to		21	A. I do.	
22	becoming circuit clerk?		22	Q. Are you a lifelong resident of	
23	A. University Sporting Goods and was a		23	Oxford?	
24	supervisor for Lafayette County.		24	A. Are you talking the city limits or	
25	Q. And how long were you a supervisor		25	the county as a whole?	
Page 20			Page 21		
1	JEFFREY GLYNN BUSBY		1	JEFFREY GLYNN BUSBY	
2	Q. The city limits.		2	Q. When you were a board of	
3	A. The city limits. I have lived		3	supervisors member for those eight years, do	
4	outside the city limits for a short period of		4	you maintain any documents as part of that	
5	time. It's in the city limits now. But that		5	work?	
6	was back in the, probably, late '80s. But for		6	A. Yes, sir, I still have the emails.	
7	the most part of my life or the majority of my		7	Q. Do any of the emails relate to this	
8	life, I have lived in the city limits.		8	lawsuit?	
9	Q. So for the vast majority of your		9	A. Not besides the facility use	
10	life, you lived in the city limits of Oxford,		10	policies.	
11	Mississippi?		11	Q. So you have emails about the	
12	A. That's correct.		12	facility use policy?	
13	Q. And how old are you?		13	A. I have the facility use policy	
14	A. I'm 54.		14	emails, the documents in front of me that -- I	
15	Q. Do you maintain, in any form --		15	have in front of me today, not correspondence	
16	whether paper, electronic, text message, or		16	with anyone about the facility use policy.	
17	otherwise -- any documents related to this		17	Q. And is that -- you have the	
18	case?		18	facility use policy because Attorney O'Donnell	
19	A. Related to this case? I mean,		19	gave them to you or because you had them	
20	besides the facility use policies, no, sir.		20	before?	
21	Q. Do you maintain any documents from		21	A. David -- our attorney, David	
22	your prior work as a board of supervisors		22	O'Donnell, presented them to me. But I'm	
23	member?		23	pretty sure that I -- when I was asked to	
24	A. Do I have -- I guess I don't		24	produce these, I produced them to the county	
25	understand the question.		25	administrator.	

<p style="text-align: right;">Page 22</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2       Q.    I see. And when were you asked to</p> <p>3 produce those?</p> <p>4       A.    One day last week.</p> <p>5       Q.    And this was in relation to this</p> <p>6 lawsuit?</p> <p>7       A.    That's correct. Well, I assumed it</p> <p>8 was -- I guess, I assumed that it was -- now --</p> <p>9 was because of this lawsuit. Just any -- I was</p> <p>10 asked to produce anything that had to do with</p> <p>11 the statue or facility use policies, I think,</p> <p>12 is what the question was.</p> <p>13       Q.    I see. And the county</p> <p>14 administrator, Lisa Carwyle, asked you to do</p> <p>15 that?</p> <p>16       A.    Yes. It was either he -- she or</p> <p>17 David O'Donnell. I'm not sure which one of the</p> <p>18 two. They both may have been on the email to</p> <p>19 me.</p> <p>20       Q.    I see. Do you have any documents</p> <p>21 or communications about public safety issues on</p> <p>22 the Lafayette County Courthouse grounds?</p> <p>23       A.    Besides the document in front of</p> <p>24 me, no.</p> <p>25       Q.    Do you have any documents or</p>	<p style="text-align: right;">Page 23</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2 communications about protests, political</p> <p>3 speech, or other expressive activity on the</p> <p>4 Lafayette County Courthouse grounds?</p> <p>5       A.    Not that I -- no, sir, not that I'm</p> <p>6 aware of.</p> <p>7       Q.    In the documents that you did have</p> <p>8 about the facility use policy and the monument,</p> <p>9 you turned those over to the county?</p> <p>10      A.    That's correct.</p> <p>11      Q.    Now, in your work as supervisor --</p> <p>12 or scratch that.</p> <p>13                Throughout this deposition, we'll</p> <p>14 be talking about Oxford's courthouse square and</p> <p>15 the Lafayette County Courthouse, which is in</p> <p>16 the center of Oxford's courthouse square. I'm</p> <p>17 going to refer, as locals do, to this area as</p> <p>18 "the square" or "the county courthouse." You</p> <p>19 understand that "the square" is Oxford's</p> <p>20 courthouse square, right?</p> <p>21      A.    That's correct.</p> <p>22      Q.    And you understand that "the county</p> <p>23 courthouse" is the Lafayette County Courthouse,</p> <p>24 correct?</p> <p>25      A.    Correct.</p>
<p style="text-align: right;">Page 24</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2       Q.    When I speak about "the county</p> <p>3 courthouse grounds," you understand that I'm</p> <p>4 referring to the grounds surrounding the</p> <p>5 courthouse building; I'm not talking about</p> <p>6 space inside the courthouse?</p> <p>7       Do you understand that?</p> <p>8       A.    I do.</p> <p>9       Q.    The square is the center of</p> <p>10 Oxford's business, social, and city life,</p> <p>11 correct?</p> <p>12      A.    Yes, sir.</p> <p>13      Q.    How long has the square acted as</p> <p>14 the center of Oxford's business, social, and</p> <p>15 city life?</p> <p>16      A.    All of my life, that I -- that I'm</p> <p>17 aware of. I can't think of it -- I've always</p> <p>18 considered it to be the center of Oxford.</p> <p>19      Q.    The county courthouse lies at the</p> <p>20 center of the square, correct?</p> <p>21      A.    That's correct.</p> <p>22      Q.    The county courthouse grounds,</p> <p>23 except for small barriers, like decorative</p> <p>24 fencing -- let me rephrase.</p> <p>25      The county courthouse grounds,</p>	<p style="text-align: right;">Page 25</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2 except for small barriers, like decorative</p> <p>3 fencing, is open to and part of the square,</p> <p>4 correct?</p> <p>5       A.    Part of the square -- part of the</p> <p>6 courthouse grounds, yes. I don't know if the</p> <p>7 streets and stuff are owned by the city or the</p> <p>8 county. I don't guess I understand the</p> <p>9 question. But the grounds inside the fenced-in</p> <p>10 area that you're talking about has always been</p> <p>11 considered courthouse -- Lafayette County's</p> <p>12 property.</p> <p>13      Q.    Okay. Separate from who owns the</p> <p>14 courthouse or who owns the streets, you know,</p> <p>15 that's not what my question is. The question</p> <p>16 is, is that the grounds of the county</p> <p>17 courthouse are part of the square; is that</p> <p>18 correct?</p> <p>19      A.    That's correct.</p> <p>20      Q.    The county courthouse grounds has</p> <p>21 sidewalks, grassy areas, and benches, right?</p> <p>22      A.    That's correct.</p> <p>23      Q.    The county courthouse grounds</p> <p>24 function as a small public park, correct?</p> <p>25      A.    I would disagree with calling it a</p>

<p style="text-align: right;">Page 26</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2 park. No, sir.</p> <p>3           Q. How would you describe it?</p> <p>4           A. I would -- it's a small area that</p> <p>5 surrounds the courthouse that people walk</p> <p>6 through going from one side of the square to</p> <p>7 another side of the square.</p> <p>8           Now, if you're asking me if they --</p> <p>9 anyone ever stops and sits on the benches, yes,</p> <p>10 they do. But do I look outside and see people</p> <p>11 kicking footballs or throwing Frisbees? No,</p> <p>12 sir, the lawn is not big enough for that.</p> <p>13           Q. The county courthouse grounds are</p> <p>14 used for assembly, political speech, protest,</p> <p>15 and other expressive activity, correct?</p> <p>16           A. I -- political speeches? I've</p> <p>17 never heard a political speech. Now, I've --</p> <p>18 when you have Veterans Day, they have assembled</p> <p>19 for Veterans Day. Commencements, they have.</p> <p>20 But for political speeches, no, sir, I can't</p> <p>21 say that I remember one having that on the</p> <p>22 grounds of the courthouse.</p> <p>23           Q. The county courthouse grounds are</p> <p>24 used for assembly, protest, and other</p> <p>25 expressive activity, correct?</p>	<p style="text-align: right;">Page 27</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2           A. I'm trying to think. I'm not</p> <p>3 trying to -- there has been -- are you</p> <p>4 considering inside the fence or on the</p> <p>5 monument? Because there have been people that</p> <p>6 have sat or stood at the monument, but I -- I</p> <p>7 guess there's been a few that had a speech or</p> <p>8 so, but very few in the -- in the years that</p> <p>9 I've been associated with it.</p> <p>10          Q. Okay. So just for definitional</p> <p>11 purposes, the monument is on county property,</p> <p>12 correct?</p> <p>13          A. I think they've established that.</p> <p>14          Yes, sir.</p> <p>15          Q. The monument is part of the county</p> <p>16 courthouse grounds, correct?</p> <p>17          A. According to the county, yes.</p> <p>18          Q. So for -- when we talk about the</p> <p>19 county courthouse grounds today, that includes</p> <p>20 the grassy areas and also the land surrounding</p> <p>21 the monument.</p> <p>22          Do you understand that?</p> <p>23          A. Okay.</p> <p>24          Q. So when I say "county courthouse</p> <p>25 grounds," you know, you tried to separate -- or</p>
<p style="text-align: right;">Page 28</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2 you did separate the monument from the grassy</p> <p>3 areas.</p> <p>4          A. Yes.</p> <p>5          Q. When I talk about the county</p> <p>6 courthouse grounds, I'm talking about the</p> <p>7 grassy areas and the area of the monument.</p> <p>8          Do you understand?</p> <p>9          A. Okay.</p> <p>10         Q. The county courthouse grounds are</p> <p>11 used for assembly, protest, and other</p> <p>12 expressive activity, correct?</p> <p>13         A. I would say yes.</p> <p>14         Q. How long has the county courthouse</p> <p>15 grounds been used for assembly, protest, and</p> <p>16 other expressive activity?</p> <p>17         A. When you say "protest," are you --</p> <p>18 is that -- or I guess my question is, is that</p> <p>19 one or more? Or if it's an individual, is that</p> <p>20 counted as a protest?</p> <p>21         Q. Yes.</p> <p>22         A. Okay. I would say probably six</p> <p>23 years, and that's a guess.</p> <p>24         Q. So the county courthouse grounds --</p> <p>25 have you ever -- scratch that.</p>	<p style="text-align: right;">Page 29</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2          Have you ever seen an assembly, a</p> <p>3 speech, or a protest on the county courthouse</p> <p>4 grounds before six years ago?</p> <p>5          A. I -- not that I can recall, but I</p> <p>6 don't know. I'm not going to say one way or</p> <p>7 the other, because I -- I simply don't know.</p> <p>8          Q. So today we'll be discussing the</p> <p>9 Lafayette County Board of Supervisors. When I</p> <p>10 refer to "the board" or "board of supervisors,"</p> <p>11 you understand I'm referring to the Lafayette</p> <p>12 County Board of Supervisors, correct?</p> <p>13         A. That's correct.</p> <p>14         Q. How does the board communicate when</p> <p>15 doing county business?</p> <p>16         A. We have a meeting on the first and</p> <p>17 third Monday of each month. The -- when I was</p> <p>18 a supervisor, we had the first meeting at 5:00;</p> <p>19 and the -- on the third Monday of the month, we</p> <p>20 would have it at 8:00 in the morning, unless</p> <p>21 there was a special-called meeting.</p> <p>22         Q. And the board's work is reflected</p> <p>23 in board agendas and minutes, correct?</p> <p>24         A. That's correct.</p> <p>25         Q. In what other records is the</p>

<p>1                    JEFFREY GLYNN BUSBY</p> <p>2 board's work documented?</p> <p>3        A.        I'm sorry?</p> <p>4        Q.        In what other records is the</p> <p>5 board's work documented?</p> <p>6        A.        I would say -- I mean, I think you</p> <p>7 can subscribe by email and -- or look online to</p> <p>8 get the board minutes and the agenda and stuff</p> <p>9 through a website, the Lafayette County</p> <p>10 website.</p> <p>11       Q.        Besides agendas and minutes, are</p> <p>12 there any other records that show the work of</p> <p>13 the board?</p> <p>14       A.        Not that I'm aware of.</p> <p>15       Q.        Does the board communicate via</p> <p>16 email with each other?</p> <p>17       A.        No, not discussing business,</p> <p>18 because that's the sunshine law. And it -- we</p> <p>19 are not allowed to conduct business that way or</p> <p>20 by text or anything that we do not discuss in</p> <p>21 the -- we do not discuss the agenda over emails</p> <p>22 or texts.</p> <p>23       Q.        Do members of the board communicate</p> <p>24 with the public via email?</p> <p>25       A.        I'm sure one-on-one. I'm sure that</p>	<p>Page 30</p> <p>1                    JEFFREY GLYNN BUSBY</p> <p>2 we've -- our constituents, if they email us, we</p> <p>3 try to answer them, yes.</p> <p>4        Q.        And do board members communicate</p> <p>5 with the public via text message?</p> <p>6        A.        I couldn't answer that question. I</p> <p>7 don't know if other members do or not. If</p> <p>8 someone asked me about a situation on a text,</p> <p>9 then I would probably -- I would probably</p> <p>10 respond, depending on, I guess, what it</p> <p>11 concerned.</p> <p>12       Q.        Do you -- scratch that.</p> <p>13       Q.        Did you communicate with the public</p> <p>14 via text message while a board member?</p> <p>15       A.        Can you be more specific? On what</p> <p>16 issue? On this issue?</p> <p>17       Q.        On county business.</p> <p>18       A.        Yes, on county business.</p> <p>19       Q.        Did you communicate with the public</p> <p>20 via text or email about the monument on the</p> <p>21 county courthouse grounds?</p> <p>22       A.        I do not ever remember doing that,</p> <p>23 no, sir. Quite honestly, I don't remember</p> <p>24 getting any. I'm not saying I never got any,</p> <p>25 but that was not a big contingency when I was</p>
<p>Page 32</p> <p>1                    JEFFREY GLYNN BUSBY</p> <p>2 on the board, as much as it was road ditches or</p> <p>3 roads or different things like that.</p> <p>4        Q.        Sure. Sure. Are there any other</p> <p>5 documents or communications that reflect the</p> <p>6 board's work that we have not discussed?</p> <p>7        A.        No, sir, that I'm aware of.</p> <p>8                    MR. TOM: Now, this question</p> <p>9 is for the court reporter.</p> <p>10                    (Technical discussion.)</p> <p>11                    (Exhibit 1 was marked for</p> <p>12 identification.)</p> <p>13 BY MR. TOM:</p> <p>14       Q.        I just put Exhibit 1 into the chat.</p> <p>15 And this is the April 20th, 2015, Facility Use</p> <p>16 Policy. The Bates number at the bottom of the</p> <p>17 first page of this document is</p> <p>18 Lafayette County DOC000002.</p> <p>19       A.        Okay. I have that.</p> <p>20       Q.        Okay. Go ahead and take a look at</p> <p>21 that document, Mr. Busby.</p> <p>22       A.        Okay. What specifically do you</p> <p>23 want me to look at? I have read it.</p> <p>24       Q.        Okay. So what is this document?</p> <p>25 What is Exhibit 1?</p>	<p>Page 33</p> <p>1                    JEFFREY GLYNN BUSBY</p> <p>2        A.        This is the facility use policy</p> <p>3 that we put in -- I think it -- well, it says</p> <p>4 it went into effect in April of 2015 for the</p> <p>5 use of our facilities.</p> <p>6        Q.        And the board adopted this policy,</p> <p>7 correct?</p> <p>8        A.        That's correct.</p> <p>9        Q.        And you were president of the board</p> <p>10 when this policy was adopted, right?</p> <p>11       A.        That's correct.</p> <p>12       Q.        How was use of county property</p> <p>13 regulated before this 2015 policy was adopted?</p> <p>14       A.        I don't think they had a policy. I</p> <p>15 would assume they went through the county</p> <p>16 administrator, but I do not know. That was the</p> <p>17 reasoning to come up with the policy, because</p> <p>18 we started getting requests for facility use.</p> <p>19       Q.        When did you first become a board</p> <p>20 of supervisors member?</p> <p>21       A.        2012.</p> <p>22       Q.        So from 2012 until April 20th,</p> <p>23 2015, when this policy was implemented, how did</p> <p>24 the county regulate use of county property?</p> <p>25       A.        I assume it went through the county</p>





<p style="text-align: right;">Page 42</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2 Carwyle to the supervisors, David O'Donnell, 3 and John Hill, regarding the March 4th, 2019, 4 policy.</p> <p>5       A.    Okay.</p> <p>6       Q.    Do you have it open?</p> <p>7       A.    Yes. I'm going -- I printed it 8 off.</p> <p>9                    (Technical discussion.)</p> <p>10      A.    Okay.</p> <p>11      Q.    So let's go to Exhibit 2.</p> <p>12      A.    Okay.</p> <p>13      Q.    At the bottom, that's Bates- 14 numbered Lafayette County Doc 6.</p> <p>15      Do you see that?</p> <p>16      A.    I do.</p> <p>17      Q.    Do you understand this document?</p> <p>18      A.    Yes, sir.</p> <p>19      Q.    What is it?</p> <p>20      A.    It's the facility use policy that 21 we adopted on March 4, 2019.</p> <p>22      Q.    And "we" is the board, correct?</p> <p>23      A.    We as the board, yes.</p> <p>24      Q.    Now, go to Exhibit 3.</p> <p>25      A.    Okay.</p>	<p style="text-align: right;">Page 43</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2 to Supervisor, David O'Donnell, and John Hill, 3 regarding facility use policy. And then it 4 attaches the same policy, the March 4th, 2019, 5 policy, but this appears to be a draft of it.</p> <p>6       Do you see that?</p> <p>7       A.    I do. I have it printed out.</p> <p>8       Q.    Now, this email address, 9 "Supervisor," whose -- whose email address is 10 "Supervisor"?</p> <p>11      A.    I'm assuming it went to all five of 12 us, all five supervisors.</p> <p>13      Q.    Okay. So this email from Lisa 14 Carwyle is to all five supervisors and to David 15 O'Donnell, correct?</p> <p>16      A.    That's correct.</p> <p>17      Q.    Who's John Hill?</p> <p>18      A.    He was the sheriff at that time.</p> <p>19      Q.    Now, this March 4th, 2019, policy 20 was passed when you were president of the 21 board, correct?</p> <p>22      A.    That's correct.</p> <p>23      Q.    Now, if you go to Exhibit 3, you'll 24 see that Ms. Carwyle says that the changes to</p>
<p style="text-align: right;">Page 44</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2 the policy are in red.</p> <p>3       A.    Yes, sir.</p> <p>4       Q.    So now go down to the policy, and 5 let's look at the red language here.</p> <p>6       A.    Uh-huh. Okay.</p> <p>7       Q.    So I know that this is a draft and 8 I haven't fully compared it, so -- but just -- 9 just as a -- you know, just so we know where to 10 look. So you see how it says 30 days here in 11 red? There's a nonrefundable fee of \$25 in 12 red.</p> <p>13      A.    Uh-huh.</p> <p>14      Q.    There's some red under --</p> <p>15      A.    Yes. I see that.</p> <p>16      Q.    There's some red under 17 "security" --</p> <p>18      A.    Uh-huh.</p> <p>19      Q.    -- at the bottom of page 3.</p> <p>20      Do you see that?</p> <p>21      A.    I see that.</p> <p>22      Q.    And then there's some red under 23 "signs" at the bottom of page 4?</p> <p>24      A.    I -- I see that.</p> <p>25      Q.    And then there's a whole section</p>	<p style="text-align: right;">Page 45</p> <p>1                   JEFFREY GLYNN BUSBY</p> <p>2 called "other items" in red at the bottom of 3 page 4.</p> <p>4       A.    That's correct.</p> <p>5       Q.    So, you know, that is the area, 6 according to Ms. Carwyle, that was changed from 7 the 2015 policy.</p> <p>8       A.    That's correct.</p> <p>9       Q.    So now let's go back to the final 10 policy, which is Exhibit 2.</p> <p>11      A.    Okay.</p> <p>12      Q.    So under applications for usage on 13 Exhibit 2 on page 3 --</p> <p>14      A.    Okay.</p> <p>15      Q.    -- it says on the second bullet 16 point, Applications should be submitted to the 17 county administrator at least 30 days in 18 advance?</p> <p>19      A.    That's correct.</p> <p>20      Q.    Why was that change made?</p> <p>21      A.    Again, I'm -- I'm trying to be as 22 correct as I can be. I -- I'm pretty sure that 23 was after the Charlottesville incident, that 24 they had many problems there. And it concerned 25 our law enforcement. And, again, I'm pretty</p>

1 JEFFREY GLYNN BUSBY  
2 sure it was the same time the City redid their  
3 policy as well.

4 I know the police chief, which is  
5 now our sheriff, Mr. East, had come to me a few  
6 times and -- telling me that we needed to get  
7 something in place from a security standpoint.  
8 So I assume that's why we went from a seven-day  
9 period to a 30-day period from a security  
10 standpoint on what we anticipated could be  
11 problems.

12 Q. So what was Mr. East talking about  
13 for security? You said -- you said that he had  
14 to get some security things in place.

15 A. Well, it's sort of like --

16 Q. Can you explain what --

17                   A.           Well, yes. The --

18 Q. Can you explain that conversation?

19           A.       Well, what -- what I was -- what I  
20 meant by that or mean by that is the City had  
21 already adopted, I think, a policy that  
22 addressed security measures, which he was the  
23 police chief at that time for the City.  We had  
24 an interim sheriff in -- in Mr. Hill at that  
25 time.  Our -- our sheriff passed away.

1 JEFFREY GLYNN BISBY

2 Q. Did this -- were the security  
3 concerns because of the Confederate monuments  
4 on the county courthouse grounds and on  
5 Ole Miss's campus?

6           A.        I assume that that was a -- played  
7 a part in it at that time.

8 Q. So you mentioned that then-Police  
9 Chief East reached out to you several times  
10 about security concerns, right?

11 A. That's correct.

12 Q. And what did he -- what did he say  
13 when he reached out to you?

14 A. That he felt like that we needed to  
15 look at the City's policy and adopt -- well,  
16 get -- put more in place for -- for security  
17 reasons because of this is the focal point  
18 of -- of the town. And, you know, it's a small  
19 area with a lot of historical buildings. And  
20 so he felt like we needed more security. Did  
21 he go into a lot of details? No. He just said  
22 that he -- he thought we needed to re-address  
23 our policy.

24 Q. And when you say "this is the focal  
25 point of the town," what -- what is "this"?

1 JEFFREY GLYNN BUSBY  
2 And in -- in light of the  
3 Charlottesville riots, we felt like we needed  
4 more security than what we had addressed in our  
5 facility policies before. And as he looked at  
6 it, as our -- our -- our teams work together,  
7 and I was not a part of the -- the meetings  
8 that -- I think that took place on campus. So  
9 I'm -- I'm just telling you from what my  
10 recollection -- recollection was.

11           But I'm pretty sure our attorney  
12 and our city police, our county police, our  
13 university police, many other agencies from  
14 Secret Service to the FBI, all met on campus in  
15 concern of the Charlottesville riots and  
16 what -- we had information that was -- that may  
17 or may not happen in Oxford.

18 Q. And these were -- why did people --  
19 why did these people think that what happened  
20 in Charlottesville may happen in Oxford?

21 A. That would be something you'd need  
22 to ask the sheriff. I -- I don't know if it  
23 was information they received, if it was groups  
24 posting things online. I -- I can't answer  
25 those -- I can't answer that.

1 JEFFREY GLYNN BUSBY

2           A.       The -- the courthouse grounds, the  
3           courthouse square.

4 Q. So to recap, tell me if this is  
5 correct. Was the March 4th, 2019, amendment to  
6 the facility use policy made because of  
7 security concerns and to address those security  
8 concerns over the county courthouse grounds and  
9 the square?

10           A.        I would think that to -- yes.  I  
11 would -- I would say that was a fair  
12 assessment; that we -- we put those in place  
13 because of security concerns, yes.

14 Q. Were there any other reasons  
15 besides security concerns that this March 4th,  
16 2019, policy was passed?

17       A.     I'm sure the increase of facility  
18 uses and not for one single group, but as the  
19 town has grown over the years and we had not  
20 addressed this in four or five years, that  
21 probably initiated it. But I can't say that  
22 would be the only reason that we changed the  
23 policy.

24 Q. So there were security concerns;  
25 there's increased use that gave rise to this















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1	JEFFREY GLYNN BUSBY	1	JEFFREY GLYNN BUSBY
2	Q. So besides what we've already	2	the other, to be honest.
3	talked about, has the board ever considered	3	Q. Did you talk to any current board
4	contextualizing or moving the monument besides	4	of supervisors members about that projection?
5	those three times?	5	A. No, sir.
6	A. Again, not that I'm aware of, but,	6	Q. Do you know what the Oxford Fringe
7	I'm -- again, I can't swear to that. And I	7	Festival is?
8	certainly can't swear to what they've done in	8	A. Oxford what?
9	2020.	9	Q. Fringe Festival.
10	Q. When you were on the board, are	10	A. No, sir, I don't.
11	there any other times that the board considered	11	Q. Do you remember, in the summer of
12	contextualizing or moving the monument or	12	2019, images of people being deported from the
13	exploring options for moving the monument?	13	border were projected onto the county
14	A. Again, not that I can recall. I'm	14	courthouse walls?
15	not going to swear to that.	15	A. No, sir, I don't. On our
16	Q. Now, this summer -- it happened on	16	courthouse?
17	June 20th, 2020 -- someone projected at night	17	Q. The Lafayette County Courthouse
18	the words, quote, take it down, onto the county	18	walls.
19	courthouse Confederate monument.	19	A. No, sir, I don't.
20	Did you see that?	20	MR. TOM: Can we take a --
21	A. I think I saw it on social media.	21	maybe a 10-minute break? I'm
22	I did not see it live, no.	22	probably almost done, but I want to
23	Q. Now, did you hear any complaints	23	speak with Jack first. And then we
24	about that?	24	can ask any additional questions
25	A. I never heard anything one way or	25	and wrap up.
Page 80		Page 81	
1	JEFFREY GLYNN BUSBY	1	JEFFREY GLYNN BUSBY
2	MR. O'DONNELL: That'll be	2	of Oxford?
3	fine, Josh.	3	A. Well, it's the business district.
4	(Technical discussion.)	4	I mean, you've got -- you've got the businesses
5	THE VIDEOGRAPHER: This marks	5	all around the square, and it's restaurants
6	the end of media number 1. We're	6	that people come to eat at and shop. And
7	going off the record at 10:49 a.m.	7	it's -- you know, this is always known as -- as
8	(Recess from 10:49 a.m. to	8	the circuit court and where you -- where the
9	11:09 a.m.)	9	trials take place and -- it's kind of what I
10	THE VIDEOGRAPHER: This marks	10	mean by the central district.
11	the start of media number 2. We	11	Q. So is it -- is it fair to say that,
12	are back on the record at 11:10.	12	you know, the square and the county courthouse
13	BY MR. TOM:	13	that sits in the center of the square is the
14	Q. So, Jeff, just a few more questions	14	heart of the social and civic life of Oxford?
15	before we wrap up here.	15	A. I would -- I would say so, yes.
16	A. Okay.	16	Q. And if somebody were to want to
17	Q. Mr. -- Mr. Busby, I mean.	17	have an assembly or, you know, engage in, you
18	So, before, we were talking about	18	know, expressive activity, would they do it in
19	how, you know, the county courthouse and the	19	the square?
20	square were sort of, you know, the center of	20	A. I would say the square would be one
21	Oxford.	21	of the -- the university would probably be one.
22	A. Yes.	22	But I would say that the square would be
23	Q. What is -- can you explain what	23	included, yes.
24	that means, like, what the square and the	24	Q. And would the county courthouse
25	county courthouse are in relation to the city	25	grounds be -- now, within -- within the square,

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1	JEFFREY GLYNN BUSBY	1	JEFFREY GLYNN BUSBY
2	the county courthouse grounds are -- okay.	2	service or anything to that -- to that nature.
3	Strike that.	3	You usually had a guest speaker that would
4	We've talked about how the square	4	probably speak for about 15 minutes.
5	is the heart of Oxford, right? Is that right?	5	Q. And how many people are there?
6	A. I consider it that, yes.	6	A. Oh, 30. I don't know. 30, 40.
7	Q. Now, would you say that the county	7	Q. What time does this take place?
8	courthouse grounds are the heart of the square?	8	A. Usually, in the mornings around
9	A. No. Do I think the -- the	9	10:00.
10	courthouse grounds make the square? No. I	10	Q. And, spatially, where is it
11	think these businesses make the square.	11	located?
12	Q. So what happens on -- we may -- we	12	A. On the north side of the square.
13	talked before about the Veterans Day	13	Q. Is it out -- is it -- is it --
14	commemorations. What happens on Veterans Day	14	where is it located in relation to the county
15	during those commemorations?	15	courthouse grounds?
16	A. You would have the office -- you'd	16	A. It's on the county courthouse --
17	have representative from the board of	17	it's kind of in the grassy area on the -- on
18	supervisors that kind of gave the welcoming,	18	the north side of the square. North -- I guess
19	along with the mayor. And then you would --	19	you'd say the northeast side of the square.
20	you would get a report from the -- usually,	20	Q. So it's on the northeast side of
21	from the marshal's service, the highway patrol,	21	the square, but on the county courthouse
22	the city police, the university police, the	22	grounds?
23	county sheriff's department. I may have left	23	A. Yes.
24	out a few. Wildlife, fisheries. And they	24	Q. Now, before, we talked about how
25	would tell if they had lost any men during	25	the March 2019 amendment to the facility use
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1	JEFFREY GLYNN BUSBY	1	JEFFREY GLYNN BUSBY
2	policy changed the permit period from seven	2	sure -- I don't know, because I'm not the
3	days to 30 days.	3	county administrator -- would probably issue
4	Do you remember that?	4	the permit before the 30 days was up. But if
5	A. Yes.	5	there was security or -- or issues that the
6	Q. And so we talked about the reason	6	sheriff's department needed to look into or the
7	that the 2019 amendments were made were for	7	FBI needed to look into, I'm sure that -- that
8	security reasons and because of increased use	8	time would vary -- vary. So I don't -- I don't
9	of county property, right?	9	know that it always took 30 days.
10	A. Correct.	10	Q. And who has the discretion to -- or
11	Q. So how does the 30-day advance	11	is there discretion about whether to adhere to
12	notice requirement advance those interests?	12	the 30-day requirement or not?
13	A. I -- I'm sorry. I couldn't	13	A. That would be a question for the
14	understand you.	14	county administrator. I -- I don't know. I've
15	Q. How does the 30-day permit	15	never had that issue brought to the -- when I
16	requirement advance those interests?	16	was on the board, it never was brought to our
17	A. I guess -- I guess I'm	17	board's attention, no.
18	understanding you correctly. It would --	18	Q. Now, besides this order that
19	again, I would think, if it was a -- a group	19	imposed the curfew on the county courthouse
20	that -- that may be -- I don't know	20	grounds that we reviewed before --
21	that it always takes 30 days to make a	21	A. But -- but sir, as I was thinking
22	decision, number one. Sometimes, I'm sure it	22	about that and I re-read -- it's always -- it
23	could be made in -- in less than 30 days. We	23	hasn't been a curfew, but it's always been
24	just ask for a 30-day window of opportunity.	24	until 10:00 p.m. for facility use. It's always
25	Now, it can -- sometimes, I'm	25	been in our contract. I think it says from



<p style="text-align: right;">Page 90</p> <p>1                   <b>JEFFREY GLYNN BUSBY</b></p> <p>2       A. After the Charlottesville incident, 3 my recollection, yes, that's what it was called 4 to talk about, security measures.</p> <p>5                    MR. TOM: Okay. Well, that's 6 all I have, I believe. You know, 7 I'll -- if -- if Jack wants to ask 8 any questions, I believe he has an 9 opportunity to. And, also, 10 obviously, David, you know, if you 11 have any follow-up.</p> <p>12                  MR. WILLIAMS: This is Jack. 13 I have no follow-up.</p> <p>14                  MR. O'DONNELL: That's good, 15 Jack. I have -- I have no further 16 questions -- other questions. 17 We're done.</p> <p>18                  MR. TOM: All right. 19 Mr. Busby, thanks for taking your 20 morning to chat with us here.</p> <p>21                  THE WITNESS: Yes, sir. 22 Thank you.</p> <p>23                  THE VIDEOGRAPHER: This 24 concludes the deposition. We are 25 going off the record at 11:24 a.m.</p>	<p style="text-align: right;">Page 91</p> <p>1                   <b>JEFFREY GLYNN BUSBY</b> (The remote deposition of 3                    <b>JEFFREY GLYNN BUSBY</b> 4                    concluded at 11:24 a.m. 5                    Central Standard Time)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 _____ Jeffrey Glynn Busby</p> <p>13</p> <p>14</p> <p>15</p> <p>16 SUBSCRIBED AND SWORN BEFORE ME 17 THIS ____ DAY OF _____, 2020.</p> <p>18</p> <p>19</p> <p>20 _____ 21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 92</p> <p>1                   <b>JEFFREY GLYNN BUSBY</b></p> <p>2                  REPORTER'S CERTIFICATE</p> <p>3                  I, Greta H. Duckett, Certified Court 4 Reporter, Registered Professional Reporter, and 5 Certified Realtime Reporter, hereby certify 6 that on Thursday, December 3, 2020, I reported 7 the remote deposition of <b>JEFFREY GLYNN BUSBY</b>, 8 who was first duly sworn or affirmed to speak 9 the truth in the matter of the foregoing cause, 10 and that the pages herein contain a true and 11 accurate transcription of the examination of 12 said witness by counsel for the parties set out 13 herein.</p> <p>14                  I further certify that I am neither of 15 kin nor of counsel to any of the parties to 16 said cause, nor in any manner interested in the 17 results thereof.</p> <p>18                  This 14th day of December, 2020.</p> <p>19</p> <p>20 <i>Greta Duckett</i> 21 _____</p> <p>22                  GRETA H. DUCKETT, RPR, CRR, CVR-S, RVR-M-S 23                  ACCR-12, GCCR-2891, MCCR-1945, TNLCR-671</p> <p>24</p>	<p style="text-align: right;">Page 93</p> <p>1                  ERRATA SHEET</p> <p>2                  Case Name: _____</p> <p>3                  Deposition Date: _____</p> <p>4                  Deponent: _____</p> <p>5                  Pg. No. Now Reads      Should Read   Reason</p> <p>6     ____    ____    ____      ____    ____</p> <p>7     ____    ____    ____      ____    ____</p> <p>8     ____    ____    ____      ____    ____</p> <p>9     ____    ____    ____      ____    ____</p> <p>10    ____    ____    ____      ____    ____</p> <p>11    ____    ____    ____      ____    ____</p> <p>12    ____    ____    ____      ____    ____</p> <p>13    ____    ____    ____      ____    ____</p> <p>14    ____    ____    ____      ____    ____</p> <p>15    ____    ____    ____      ____    ____</p> <p>16    ____    ____    ____      ____    ____</p> <p>17    ____    ____    ____      ____    ____</p> <p>18    ____    ____    ____      ____    ____</p> <p>19    ____    ____    ____      ____    ____</p> <p>20</p> <p>21                  _____ Signature of Deponent</p> <p>22                  SUBSCRIBED AND SWORN BEFORE ME</p> <p>23                  THIS ____ DAY OF _____, 2020.</p> <p>24                  _____ (Notary Public)    MY COMMISSION EXPIRES: _____</p>

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